

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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|----------------------------------|---|---------------------------|
| TANIA RUTLEDGE, |) | |
| |) | CASE NO. C13-1486-RAJ-MAT |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | REPORT AND RECOMMENDATION |
| CAROLYN W. COLVIN, Acting |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

Plaintiff brought this action to seek judicial review of the denial of an application for disability benefits by the Commissioner of the Social Security Administration. The parties now stipulate this case should be reversed and remanded for further proceedings. (Dkt. 18.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative Law Judge shall: (1) hold a *de novo* hearing and plaintiff may raise any issue; (2) update the treatment evidence on plaintiff's medical condition, including adding to the record counseling notes from Norma Esperance, of Domestic

01 Violence and Sexual Assault Services, from October 30, 2007 through December 4, 2009; (3)
02 consider whether plaintiff has any severe mental impairment(s) at step two and articulate how
03 he has evaluated the severity of all medically determinable mental impairments under the
04 special technique; (4) reevaluate and articulate how he has evaluated the credibility of
05 plaintiff's subjective complaints; (5) evaluate the treating and examining medical source
06 evidence and opinions of Ellen Walker Lind, Ph.D., Rodney Thompson, M.D., and the medical
07 evidence from Ms. Esperance, and explain the reasons for the weight he gives to this opinion
08 evidence; (6) reassess plaintiff's residual functional capacity on the updated record, citing
09 specific evidence in support of any assessed limitations; and (7) as appropriate, secure
10 supplemental evidence from a vocational expert to clarify the effect of the assessed limitations
11 on plaintiff's occupational base at step five of the sequential evaluation process. Also, upon
12 proper application, the Court will consider plaintiff's application for attorneys' fees under the
13 Equal Access to Justice Act, 24 U.S.C. § 2412, *et seq.*

14 The Court recommends that United States District Judge Richard A. Jones immediately
15 approve this Report and Recommendation and order the case REVERSED and REMANDED
16 for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A
17 proposed order accompanies this Report and Recommendation.

18 DATED this 27th day of February, 2014.

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21 Mary Alice Theiler
22 Chief United States Magistrate Judge